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**Minutes of the Commission Meeting
Held on March 22, 2007
In the Stone Building
33 New York Avenue, Oak Bluffs, MA**

IN ATTENDANCE

Commissioners: (P = Present; A = Appointed; E = Elected)

P James Athearn (E – Edgartown)	- Ned Orleans (A – Tisbury)
P John Breckenridge (A – Oak Bluffs)	P Jim Powell (A – West Tisbury)
P Christina Brown (E - Edgartown)	P Doug Sederholm (E – Chilmark)
P Peter Cabana (A – Tisbury)	P Susan Shea (A – Aquinnah)
- Martin Crane (A – Governor Appointee)	P Linda Sibley (E – West Tisbury)
P Mimi Davisson (E – Oak Bluffs)	- Paul Strauss (County Comm. Rep.)
P Mark Morris (A – Edgartown)	P Richard Toole (E – Oak Bluffs)
P Chris Murphy (A – Chilmark)	- Andrew Woodruff (E – West Tisbury)
- Katherine Newman (A – Aquinnah)	

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Coordinator), Jim Miller (Traffic Analyst), Christine Flynn (Affordable Housing Coordinator)

The meeting was called to order at 7:10 p.m.

1. ADOPTION OF MINUTES

Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Morris, C. Murphy, J. Powell, D. Sederholm, S. Shea, R. Toole

1.1 August 10, 2006

Christina Brown moved, and it was duly seconded, to accept the minutes of August 10, 2006, with the following corrections.

Line 106 . . . be available

A voice vote was taken. In favor: 6. Opposed: 0. Abstentions: 4. The motion passed.

1.2 November 2, 2006

Jim Powell moved, and it was duly seconded, to accept the minutes of November 2, 2006. A voice vote was taken. In favor: 7. Opposed: 0. Abstentions: 3. The motion passed.

1.3 November 16, 2006

Jim Powell moved, and it was duly seconded, to accept the minutes of November 16, 2006. A voice vote was taken. In favor: 6. Opposed: 0. Abstentions: 4. The motion passed.

1.4 February 15, 2007

Christina Brown moved, and it was duly seconded, to approve the minutes of February 15, 2007, with the following changes:

Line 336 Delete: . . . to move

A voice vote was taken. In favor 9. Opposed: 0. Abstentions: 1. The motion passed.

1.5 December 8, 2005

Christina Brown suggested that the following corrections be made if the minutes haven't yet been signed.

Attendees *Christine Condon*
Line 48 *public*

2. OTHER

Susan Shea asked whether the Commission would review any height changes proposed for the Martha's Vineyard Hospital expansion.

It was clarified that the Commission will review height changes when final architectural plans are submitted.

3. EXECUTIVE DIRECTOR'S REPORT

Mark London reported on the wastewater treatment planning done by partners in the high school area.

- The partners are: the High School, the YMCA, Community Services, the Oak Bluffs resident homesite properties (one next to the arena and another being swapped with the Land Bank for the property known as the 'hole in the doughnut'), and some allocation to Woodside Village.
- Bill Wilcox and Mark London have put together a summary report of wastewater options for the area.
- A cluster treatment plant could reduce overall costs by more than half. Cluster options range from \$2.6 to \$4.3 million versus \$6 million for separate systems.
- The possibility of sharing design costs and maintenance brings down costs and reduces nitrogen significantly.
- Lagoon Pond and Sengenetacket Pond water quality would be improved.
- Woodside Village has open space as an offset for nitrogen loading; tying in to a wastewater system would allow them to build some additional housing.
- Some reserve has been included for additional tie-ins.
- The Arena recently redid their Title 5 system so they may not be interested in tying in in the short term.

- Oak Bluffs has an item on the town warrant to approve bonding for the design. Two-thirds of the cost of the design would be reimbursed by other users

John Breckenridge thanked Mark London for spearheading the project. The dream of coming up with a cohesive plan is now looking like a real possibility.

Richard Toole said this is a great piece of work and he hopes residents will see the benefit. People need to be aware of wastewater flow.

Mark London said the wording of the warrant article may need to be explained so that it's clear that 2/3 of the design costs would be reimbursed. Nitrogen reduction will be significant and the cost is so much lower than if that amount of reduction was done by individual users.

3. 15 NORTH SUMMER STREET: DRI NO. 601- PUBLIC HEARING

Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, M. Morris, C. Murphy, J. Powell, D. Sederholm, S. Shea, L. Sibley, R. Toole

For the applicant: Kenn Karakul & Dudley Cannada, applicants; Peter Vincent, attorney

John Breckenridge opened the public hearing and read the hearing notice. The proposal is to move or demolish an existing building and replace it with three detached two-bedroom cottage units and two detached commercial condominiums with one-bedroom affordable housing apartments on the second floor.

3.1 Staff Report

Paul Foley gave the staff report.

- The zoning is B-1 commercial.
- Local permits needed for the project are a ZBA Special Permit, Building Permit, Wastewater Permit, and Historic District Commission approval.
- The area is mostly buildings that mix business and residential. A number of former single-family residences have become retail on the first floor and residential on the second.
- The existing house was built in 1954. Dr. Mills had his office in the house.
- The proposal is to construct five buildings with seven units.
- The applicants will offer the existing house to affordable housing groups. It may be possible to relocate at least part of it.
- Retail units will be 304 sq. ft., with 220 sq. ft. garages and 610 sq. ft. of residential. The three two-bedroom cottages are 1,212 sq. ft. to 1352 sq. ft. The total project is 6,122 sq. feet of space.
- The project was referred by the Edgartown Zoning Board of Appeals under DRI triggers of 3.301a, new construction over 2,000 sq. ft.; 3.401d, four or more premises which mix residential with business; and 3.402 demolition of over 2,000 sq. ft.
- Issues are whether the project is in the character of Edgartown and whether the parcel can accommodate the amount of activity.
- The site borders on downtown green space owned by the North Water Street Corporation, 80% of which is controlled by the Historic Preservation Trust.

- The landscaping plan proposes the loss of only one Norway maple, additional plantings, a low unpainted picket fence and hardscape of brick and gravel.
- The exterior lighting plan includes 9-foot lampposts with 22" Edgartown lamps.
- The project exceeds the Mass Energy Code by a minimum of 30% (revised in the offers to be 20-25%).
- The existing building is tied into the wastewater treatment system. Joe Alosso said the proposed units should also be able to tie in.
- The stormwater plan should be adequate to handle all but the most severe storms.
- The plan proposes ten parking spaces, four more than required by zoning. The project will generate 71 trips a day, a net increase of 43 daily trips.
- The project is one block from the VTA Edgartown hub.
- Affordable Housing mitigation would be \$4,183, but the applicants are proposing that two apartments would be forever deeded as affordable administered by the Island Housing Trust.
- If the apartments were offered at 80% or less of average median income (AMI), they would be counted toward Edgartown's inventory for 40B housing.
- The Edgartown Historic Commission is okay with the demolition of the existing house and is satisfied with the overall mass, style and siting of the proposed project.
- A slide show showed various views of the existing site and some indication of where the new buildings would be located in relation.

3.2 Applicants' Presentation

Kenn Karakul described the history of the project.

- There is a growing concern for Edgartown. When the property became available, there was a concern about covering the site with a building and parking.
- This is a unique property next to the village green.
- The applicants' proposal was planned to be special, small and easy to maintain, with an affordable housing element.
- They have met with the Edgartown Historic Commission.
- Goals were to give the feeling of cottages and to do something special to incorporate existing vegetation and enhance the gardens.
- Only 36.9% of the lot is covered. They wanted to avoid the massing of a single building.
- The height is 26 feet; parking is buried inside the lot,
- Commercial buildings are an important piece of the life of Summer Street. Two affordable housing units will be above the retail units. High quality, special one bedroom affordable housing would be good for Edgartown.
- The plan keeps the streetscape low and maintains existing vegetation.
- The exteriors are natural cedar, wood gutters, wood shutters, and authentic divided lite windows. The applicants want the buildings to be less dense and of a better quality and style.
- The applicants worked with Historic Commission on designing the fences for the front and rear of the lot.
- The applicants are working very closely with the Island Housing Trust so that the project will be set up just right and deeded forever affordable.

- Exterior lighting will be minimal for safety. Four exterior lights will be on all the time; two Edgartown lights on the street and two coach lamps on the back of building 1 and 2 to light the parking area.
- Lighting wasn't submitted to Historic Commission, but the lighting plan will need to be submitted for final approval.
- All the heated spaces will be built over full basements
- The applicants are trying to get to 80% affordability but are still working on making the numbers work. One will be at most 85% AMI, possibly two. The affordable apartments will be deeded to the Island Housing Trust and will be administered by them.
- The applicants hope there will be owners in the units with resales handled by Island Housing Trust. They said that Janet Hathaway is excited to bring the units into the program.
- In the retail units there won't be fast food or any type of food. Basically the stores will be retail stores, like art galleries, clothing stores or retail offices. The size of the space limits the kind of store that can go in

Paul Foley added that LUPC voted to waive the traffic study. In lieu of the traffic study, the applicants will donate \$5,000 to Edgartown traffic mitigation

Mark London asked that the applicant clarify what is being proposed for the two affordable housing units. Is the offer that they will be year-round and at least one will be, say, under 80%?

Kenn Karakul said that they are trying to achieve that. They are donating the land, and the units will be available at cost. They are working at capping costs and are working with Janet Hathaway on the amount. The question is the cost of materials. They hope they can meet the 80% on one and possibly both.

Mark Morris suggested that the applicants clarify the affordable housing offer before they proceed.

John Breckenridge clarified that the intent of the hearing is to get as much information as possible.

Mimi Davisson asked whether the applicants are willing to say that the two units can be at 100%, if not less. **Kenn Karakul** said that Janet Hathaway is looking at the numbers and how they'll work.

Christina Brown said the Commission has looked at affordable housing in a fairly elastic way. She clarified that the applicants will work out the details of the two units which will be administered through the Island Affordable Housing Fund and Island Housing Trust, and each will be permanently available to households whose income is no more than 140% of median. **Kenn Karakul** confirmed that that's part of their public testimony.

Dudley Cannada confirmed that the chimneys would be brick painted white.

Commissioners and the applicants agreed that the LUPC minutes would be entered into the record.

The applicants confirmed that the retail stores will have no food, no gas stations, no video arcades, and no businesses not allowed in Edgartown B-1 zoning.

3.3 Public Comment

Anthony Bongiorno, Director of Dukes County Regional Housing Authority, spoke as an individual. He said that this is one of the first projects in which private individuals have approached affordable housing as part of a complex without 40B or 40R. He applauds the applicants for their approach to smart growth.

Doug Ruskin lives three or four blocks away. He and his wife are impressed with the project's sensitivity to the site and with the way the details of architecture, traffic, and parking have been thought out.

Ellen Lewis, whose property, 12 North Summer, faces the applicants' property, said the project could only improve the site.

3.4 Commissioners' Questions & Discussion

Linda Sibley said the landscaping plan is extensive and detailed; she commended the applicants for working around existing trees and wondered how they'll build around the trees and minimize damage to root structure. **Dudley Cannada** explained the process they'll use to protect the roots of the trees in the time prior to starting construction which will include putting fences around the trees during construction to protect them; the little leaf linden in the front is the most delicate.

Dudley Cannada said that the buildings would be designed to exceed the Mass Energy Code by 25%; the applicants don't have a mechanism by which to require EnergyStar appliances.

Peter Cabana said there might be tax incentives to go from 30% to 50%. More information is available at www.energytaxincentives.org.

There was a discussion of affordable housing.

- **Jim Powell** said there is a link between affordable housing and economic impact and wondered about the link between them in Edgartown.
- **Kenn Karakul** said one of the goals he had was that it would be great to have people live and work in Edgartown year round.
- **Doug Sederholm** said he heard that they were willing to commit that both units will be affordable units that will be no more than 140% AMI; he thought that earlier, the applicants had testified that one of the units would be at 80% AMI.
- **Kenn Karakul** said that the applicants are working toward that; if they can do it, they will. The units are deeded forever affordable. They are wondering what the limits are for making it an 80% AMI apartment.
- **Mark London** noted that it is much harder to create units for people who earn 80% AMI than 140% and there is a great need at the lower levels. Wouldn't it be better to accept the applicants' offer that at least one unit would be at 80% or 85%, rather than settle for only 140%?
- **Kenn Karakul** said applicants will commit to both apartments at 140% and they will do their best to make one 80%. The applicants may possibly donate the units to the Island Housing Trust. The Island Housing Trust is committed by their charter to provide affordable housing up to 140%. The applicants are relying on them to make the best choices.

- **Linda Sibley** said the offer may be that the applicants are committed to selling at no more than cost to Island Affordable Housing Trust for permanent use for affordable housing and the units will be administered by that organization, which has its own rules.

Kenn Karakul asked the Commission to consider the project and, on behalf of the Mills family, they would like to move to the next step as soon as possible.

John Breckenridge thanked the applicants for being thorough and providing materials and closed the public hearing.

Christina Brown moved and it was duly seconded to dispense with referral to LUPC and go into deliberations. A voice vote was taken. In favor: 12.

Opposed: 0. Abstentions: 0. The motion passed.

4. 15 NORTH SUMMER STREET: DRI NO. 601- DELIBERATION & DECISIONS

Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, M. Morris, C. Murphy, J. Powell, D. Sederholm, S. Shea, L. Sibley, R. Toole

For the applicant: Kenn Karakul & Dudley Cannada, applicants; Peter Vincent, attorney

Doug Sederholm clarified the offers with Peter Vincent, namely:

- The applicants will donate or sell the units at or below their construction costs to the Island Housing Trust on the condition that the Trust will use the units to provide affordable housing in perpetuity according to its charter.
- The applicants are offering \$5,000 for traffic mitigation.
- Energy conservation beats the state regulations by 25%
- The landscape plan and other plans will be part of the record.

Richard Toole moved, and it was duly seconded, to approve the project with conditions and offers.

Chris Murphy said he has a problem with the concept of taking a nice old house in downtown Edgartown and turning it into seven separate ownerships. When a downtown area is over-intensified, no one is doing any favors. Multiplying an individual owner by seven won't solve problems.

Jim Athearn said he agrees with the general philosophy that downtowns are small and the Island doesn't want sprawl outside town. Intensifying use in town with character seems like a good idea. Actual ownership may not be noticeable. People downtown will be an addition to the life of the town.

Susan Shea wonders how, when each unit is owned by someone else, owners can agree.

Doug Sederholm said a little community is created, but the condominium document formalizes the process. **Peter Vincent** added that the developer will have a very detailed set of rules and the Board of Trustees will manage the common area; the ground will be owned and managed by the trust.

Richard Toole said he understands the concern but it's amazing how this project fits on the property and includes open space. This could be a huge house or commercial development, but the proposed plan encourages people of more modest income to move into town and maybe will encourage more year-round residents.

Jim Powell linked affordable housing and economic impacts. The Island needs a diversity of housing and people that can work downtown in an area that needs to be revitalized.

Mark Morris said the applicants did a great job of designing the project and it fits right in.

Linda Sibley said this could be a commercial project, but instead the applicants have increased the residential component while relying on less commercial elements. A benefit is that it brings more residential to an area that could easily be becoming more commercial.

Susan Shea said it would be a dream to have retail units year round.

Commissioners listed Benefits & Detriments.

- Open space: only 37% of the lot is covered, keeping trees and landscaping.
- Light: good job on exterior lighting plan.
- Scenic Values/Character & Identity: By keeping trees and adding landscaping the project flows into the green space. The landscaping makes neighborhood nice. Architectural Impact on abutters and the project is designed to scale.
- Affordable Housing: obviously a benefit.
- The project adds to the tax base.
- It's consistent with smart growth objectives:
- It conforms to zoning.

A roll call vote was taken. In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, M. Morris, J. Powell, D. Sederholm, S. Shea, L. Sibley, R. Toole Opposed: None. Abstentions: C. Murphy. The motion passed.

Mimi Davisson said it's a wonderful application and very well prepared. She said that the Commission could help applicants be as thorough so more DRIs can be expedited.

The applicants said Commission staff is the reason the application is so complete.

Motion to adjourn 9:04 p.m.


Chairman

4-26-07
Date


Clerk-Treasurer

4-26-07
Date